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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Board of Patent Appeals and Interferences

Ex Parte Michael D. Kotzin

Application No. 10/608,989

Filed: June 27, 2003

For: **METHOD AND APPARATUS FOR PROVIDING ASSISTANCE TO A
COMMUNICATIONS UNIT OVER A NETWORK**

Group: 2654

Examiner: **David D. Knepper**

BRIEF ON BEHALF OF APPELLANTS

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This brief is in furtherance of the Notice of Appeal in this case filed December 30, 2005.

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I. REAL PARTY IN INTEREST

Motorola, Inc. is the real party in interest

II. RELATED APPEALS AND INTERFERENCES

There are NO related appeals or interferences.

III. STATUS OF CLAIMS

A total of thirty (30) claims have been presented in the prosecution of the present application. Claims 30 and 31 were amended to change the numbering to 29 and 30. All thirty (30) of these claims are presently pending including the three (3) independent claims 1, 12, and 23.

Claims 1-5, 7, 10, 12-16, 18, 21, 23-26, 29 and 30 have each been amended one time. Presently no claims have been canceled.

The Examiner, in the Final Office Action dated October 5, 2005, continued to reject claims 1-30 as stated in the Office Action dated April 25, 2005. Claims 1-3, 6, 7, 12-14, 17, 18, 23, 24 and 26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Miner et al (U.S. Patent No. 5,652,789) and in view of Ladd et al (U.S. Patent No. 6,269,336); claims 8-11, 19-22, and 27-30 were rejected under 36 U.S.C. §103(a) as being unpatentable over Miner et al in view of Ladd et al as applied to claim 7 and further in view of Lucent Unveils Bell Labs Predictive Algorithms for Call Centers, 4 Feb 1998; and claims 4, 5, 15, 16 and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Miner et al in view of Ladd et al as applied to claim 1 and further in view of Newton's Telecom Dictionary.

Thus claims 1 - 30 stand rejected and no claims have been allowed.

The claims on appeal are Claims 1-30.

IV. STATUS OF AMENDMENTS

On April 25, 2005 an initial Office Action was received by Applicant. In this Office action the title, abstract and specification were objected to because of informalities. Claims 1-11, 23-28, 30 and 31 were rejected under 35 U.S.C. §112, second paragraph as being indefinite. Claims 1-3, 6, 7, 12-14, 17, 18, 23, 24 and 26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Miner (U.S. Patent No. 5,652,789) and in view of Ladd (U.S. Patent No. 6,269,336). Claims 8-11, 19-22, and 27-28, 30-31 were rejected under 36 U.S.C. §103(a) as being unpatentable over Miner and in view of Ladd as applied to claim 7 in further in view of Lucent Unveils Bell Labs Predictive Algorithms for Call Centers, 4 Feb 1998. Claims 4, 5, 15, 16 and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Miner in view of Ladd as applied to claim 1 and further in view of Newton's Telecom Dictionary.

In response to the April 25, 2005 Office action on July 25, 2005 an Amendment Under 37 CFR §1.111 was filed by Applicant amending the title, Abstract and specification to correct informalities and amending claims 1 - 5, 10 - 16, 18, 21, 23 - 26, 30 and 31 in an effort to traverse the examiner's rejections of claims 1-31. Note that claims 30 and 31 were also amended to change the numbering to 29 and 30.

On October 5, 2005 a Final Rejection of claims 1-30 was received by Applicant. The final rejection noted that the amendments to the claims has overcome the rejections under 35 U.S.C. §112. The Examiner further noted that the 37 U.S.C. §103(a) rejections of claims 1-30 still stand as stated in the April 25, 2005.

In response to the October 5, 2005 Final Office Action on December 30, 2005 a Notice of Appeal together with a Pre-Appeal Brief Request for Review and accompanying arguments was filed. On February 14, 2006 a Notice of Panel Decision was received indicating that the application remains under appeal and that the time period for filing an Appeal Brief was extended to March 14, 2006.

No further amendments or responses have been filed since December 30, 2005.

V. SUMMARY OF THE INVENTION

The present invention concerns assisting with control of a subscriber device. The independent claims define a method (FIG. 3, 4) for a remote agent to assist with control of a subscriber device, a server (FIG. 2) arranged to assist with control of a subscriber device, and a corresponding software program executing on a server. Generally, spoken instructions at a subscriber device are sent via a message to a remote agent or server where they are converted to control commands that are returned to the subscriber device to thereby assist with control of the device. By way of a simple example, MY TELEPHONE NUMBER may be spoken and a remote agent would provide, via a message, control commands (keypad strokes or other commands) to control the device so as to retrieve the number from the subscriber device memory. See page 17, line 11 et sequence for additional examples. FIG. 1 illustrates an exemplary system, various subscriber devices (communications units) 101, 103, 105, and servers (remote agent 119 with memory 121, assistant agents 123, 125, 127).

The method 300 (discussed on page 18, beginning at line 12) comprises receiving from the subscriber device, an instruction message that corresponds to spoken instructions 303; converting the spoken instructions to control commands 309; providing a control message corresponding to the control commands 313; and sending the control message from the remote agent to the subscriber device 315 (page 19, lines 12-14), thereby assisting with the control of the subscriber device (lines 14-20). The server 200 (description beginning at page 8, line 7 with operational characteristics described beginning at page 11, line 19) includes a receiver 203 to receive from the subscriber device an instruction message that corresponds to spoken instructions (page 12, lines 3, et sequence); a controller 207, coupled to the receiver to convert the spoken instructions to control commands and to provide a control message corresponding to the control commands (page 12, line 20 et sequence); and a transmitter 205, coupled to the controller, to send the control message to the subscriber device (page 13, line 21, et sequence), thereby assisting with the control of the subscriber device. The software program 227-239 when loaded and executing on a processor 223 of a server 200 results in the server performing the method (page 18, lines 8-11).

Dependent Claims 2, 13, 24, recite converting the spoken instructions to control commands corresponding to a type of subscriber device (e.g., page 12, lines 22-24). Dependent claims 3, 14 recite where the spoken instructions are converted to the control commands that correspond to keypad activations at the subscriber device (e.g., page 12, lines 21-22). Dependent claims 7, 18, 26 recite receiving the instruction message at a remote agent and forwarding this to an assistant agent for conversion and returning a message with control commands to the remote agent (e.g., page 14, lines 20-24; FIG.4 description beginning at page 19, line 21).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

I. Whether, under 35 U.S.C. §103(a), claims 1-3, 6, 7, 12-14, 17, 18, 23, 24 and 26 are patentable over Miner et al (U.S. Patent No. 5,652,789) and in view of Ladd et al (U.S. Patent No. 6,269,336).

II. Whether, under 36 U.S.C. §103(a), claims 8-11, 19-22, and 27-30 are patentable over Miner et al in view of Ladd et al as applied to claim 7 and further in view of Lucent Unveils Bell Labs Predictive Algorithms for Call Centers, 4 Feb 1998.

III. Whether, under 35 U.S.C. §103(a), claims 4, 5, 15, 16 and 25 are patentable over Miner et al in view of Ladd et al as applied to claim 1 and further in view of Newton's Telecom Dictionary.

VII. GROUPING OF THE CLAIMS

Claims 1, 12 and 23 are independent in form and are considered separately patentable.

Dependent Claims 2, 6 and 7 depend from independent Claim 1. The patentability of Claim 6 stands or falls with that of Independent Claim 1. Dependent Claims 2 and 7 are considered to be separately patentable.

Dependent claims 3 and 4 depend from dependent claim 2. The patentability of Claim 4 stands or falls with that of dependent Claim 2. Dependent Claims 3 is considered to be separately patentable.

Dependent claim 5 depends from dependent claim 4. The patentability of Claim 5 stands or falls with that of dependent Claim 4.

Dependent claims 8 and 10 depend from dependent claim 7. The patentability of Claims 8 and 10 stands or falls with that of dependent Claim 7.

Dependent claim 9 depends from dependent claim 8. The patentability of Claim 9 stands or falls with that of dependent Claim 8.

Dependent claim 11 depends from dependent claim 10. The patentability of Claim 11 stands or falls with that of dependent Claim 10.

Dependent Claims 13, 17, and 18 depend from independent claim 12. The patentability of dependent Claim 17 stands or falls with that of independent Claim 12. Dependent Claims 13 and 18 are considered to be separately patentable.

Dependent claims 14 and 15 depend from dependent claim 13. The patentability of Claims 15 stands or falls with that of dependent Claim 13. Dependent Claims 14 is considered to be separately patentable.

Dependent claim 16 depends from dependent claim 15. The patentability of Claim 16 stands or falls with that of dependent Claim 15.

Dependent claims 19 and 21 depend from dependent claim 18. The patentability of Claims 19 and 21 stands or falls with that of dependent Claim 18.

Dependent claim 20 depends from dependent claim 19. The patentability of Claim 20 stands or falls with that of dependent Claim 19.

Dependent claim 22 depends from dependent claim 21. The patentability of Claim 22 stands or falls with that of dependent Claim 21.

Dependent Claims 24 and 26 depend from independent claim 23. Dependent Claims 24 and 26 are considered to be separately patentable.

Dependent claim 25 depends from dependent claim 24. The patentability of Claim 25 stands or falls with that of dependent Claim 24.

Dependent Claims 27 and 29 depend from dependent claim 26. The patentability of Claims 27 and 29 stands or falls with that of dependent Claim 26.

Dependent claim 28 depends from dependent claim 27. The patentability of Claim 28 stands or falls with that of dependent Claim 27.

Dependent claim 30 depends from dependent claim 29. The patentability of Claim 30 stands or falls with that of dependent Claim 29.

VIII. ARGUMENT

A. Claims 1-3, 6, 7, 12-14, 17, 18, 23, 24 and 26 ARE PATENTABLE, under the provisions of 35 U.S.C. §103(a), over Miner et al (U.S. Patent No. 5,652,789) and in view of Ladd et al (U.S. Patent No. 6,269,336), since these references taken alone or together do not show or suggest all features of the claimed invention as defined by any of these claims.

Claims 1, 12, and 23 are in independent form with other cited claims dependent on the next closest lowered numbered one of the independent claims.

Claim 1 was amended in response to the April 25, 2005 Office Action to read:

“A method for a remote agent to assist with control of a subscriber device, the method comprising:

receiving from the subscriber device, an instruction message that corresponds to spoken instructions;
converting the spoken instructions to control commands;
providing a control message corresponding to the control commands; and
sending the control message from the remote agent to the subscriber device,
thereby assisting with the control of the subscriber device.”

Applicant respectfully submits that Miner et al and Ladd et al taken alone or together do not show or suggest the receiving spoken instructions from a subscriber device, converting these instructions to control commands, and sending a control message corresponding to the control commands from a remote agent to the subscriber device all as specifically recited in claim 1.

Claim 12 and 23, in varying scope and form, recite features that are analogous to those recited by claim 1 and thus, Applicant respectfully and likewise submits that Miner et al and Ladd et al taken alone or together do not show or suggest the analogous features of claim 12 or 23.

Applicant in the claims as originally filed used the term “communications unit” to denote a device used for communication by a user of the device, e.g., cell phone, etc. as is clear from the application and figures. The Examiner interpreted communication unit broadly to include various infrastructure entities from Miner et al or Ladd et al. in the April 25, 2005 Office Action.

In response, Applicant amended the claims to recite subscriber device and noted that this would not impact the scope of the claims as filed, i.e., intended scope of the claims as opposed to the scope given the claims by the Examiner. The Examiner in the October 5, 2005 Final Office Action (page 2, paragraph 2) referring to Applicant's comments regarding scope, incorrectly interpreted Applicant's scope comments to mean that the scope originally given to the claims by the Examiner was appropriate. Applicant respectfully submits that clearly the scope originally given to the claims by the Examiner should change in view of the recitation of subscriber device in each claim.

Additionally in response to the April 25, 2005 Office Action, Applicant amended the claims to clarify that the subscriber device was the source of an instruction message corresponding to spoken instructions and that a control message corresponding to control commands obtained from a conversion of the spoken commands was sent from the remote agent (or server – claim 12, 23) to the subscriber device. These changes to the claims clearly narrow the claims such that Miner et al and Ladd et al can not reasonably be construed to show or suggest the features of the independent claims.

The Examiner cites Miner et al: col. 11 – col. 12, as assisting with control of a subscriber unit from a remote agent. Applicant concedes that Miner et al discusses a remote assistant that assists a user of a subscriber unit with receiving or perhaps sending phone calls, however nothing in column 11 or column 12 speaks to controlling or assisting with controlling a subscriber device. The Examiner also indicates that figure 5, col. 11 (incoming calls from telephone 92) as showing or suggesting the claimed “receiving from the subscriber device, an instruction message that corresponds to spoken instructions;” and fig. 5, col. 11 (speech recognizer card 100) as showing the claimed “converting the spoken instructions to control commands;” and fig. 5, col. 11 (suggested by his speech recognizer card 100) and col. 13, lines 49-60 (agent engages in dialog with user [see line 50] … Then, the agent executes the task [see line 60]) shows or suggests the claimed “providing a control message corresponding to the control commands;”.

Even assuming *arguendo*, that Miner et al shows or suggests the above noted features, clearly this reference does not show or suggest “sending the control message from the remote agent (or server – claim 12, 23) to the subscriber device, thereby assisting with the control of the subscriber device” as claimed. The Examiner maintains that Miner et al at column 12, lines 34-40 shows or suggests “sending the control message to the communication unit” and in the Final

Office Action maintains his §103(a) rejections. Thus Applicant presumes that the Examiner believes this passage teaches the claimed sending feature. Column 12, lines 34-40 states in entirety “Note that throughout this description the term “call” is used in its most general sense. Not only does it include a call placed over the telephone lines but it also includes the initiation of any contact over any of the other communications media including wireless communication channels, computer networks, fax channels, etc. Thus, the concept of a call is not meant to be limited only to a telephone call.” Applicant respectfully submits that whatever this passage may show or suggest it clearly does not suggest or teach or have anything to do with the claimed “sending the control message from the remote agent (or server – claim 12, 23) to the subscriber device, thereby assisting with the control of the subscriber device.”

Based on Applicant’s review of the Miner et al reference, col. 7 and col. 8 discuss a remote assistant for a subscriber and specifically lines 44-49 indicate that a subscriber using spoken commands instructs the system to then establish a direct connection with the (on-hold) caller. This passage arguably shows the receiving from the subscriber an instruction message corresponding to spoken instructions and, at least implicitly, converting this to control commands and control message (connecting the call), however this does not show sending the control message from the remote agent (or server – claim 12, 23) to the subscriber device pursuant to control of the subscriber device as claimed - in Applicant’s respectfully submitted view.

Additionally in the Final Office Action, the Examiner states Applicant's arguments (25 Jul 2005 response) is limited to the ability to "aiding a given subscriber unit or control thereof." Applicant apologizes if any confusion was caused and respectfully notes that the July 2005 response argues that Miner et al. does not show or suggest "receiving spoken instructions from a subscriber device and returning corresponding commands to that subscriber device all as claimed by either independent claim 1, 12, or 23" (see page 16, second paragraph). The Examiner further maintains that the applicant's claims only require that a subscriber device be capable of receiving a message comprising "spoken instructions" -- Since it is common for telephones to include microphones, they are more than sufficient to receive spoken or other audible input as claimed. Clearly the claimed invention requires a control message be sent from the agent (or server – claim 12, 23) to the subscriber and once again Applicant notes that Miner et al does not show or

suggest the claimed sending the control message from the agent (or server – claim 12, 23) to the subscriber device... and that a telephone microphone does not show or suggest such a feature.

Applicant noted in the July 2005 response, that Ladd et al. deals with a voice accessed browser and does not supply or suggest taken alone or with Miner et al the missing teachings (see page 16, end of second paragraph). Applicant notes and agrees that Ladd discusses a cell phone and the like using such a voice accessed browser (col. 2 – col. 3, etc), however asserts that this (with or without Miner et al) does not show or suggest the claimed features discussed above. While Ladd et al shows or suggests using voice inputs to access information from a source (col. 2, line 49) and this information can be viewed or listened to (col. 3, lines 40-41); nothing in Ladd et al. shows or suggests the claimed sending, responsive to receiving instructions from the subscriber device, any control message from a remote agent (or server – claim 12, 23) to the subscriber device for controlling the subscriber device as claimed.

Therefore and at least in view of one or more of the reasons noted above, Applicant respectfully submits that Miner et al and Ladd et al taken alone or together do not show or suggest all features (sending control message from agent or server to subscriber device) of the claimed invention as recited by either claim 1, 12, or 23 or by virtue of dependency any of the dependent claims. Hence these references do not support a §103(a) rejection of these claims.

Furthermore with reference to claim 2, 13, 24, these references do not show or suggest the claimed converting the spoken instructions to control commands corresponding to a type of subscriber device. Whatever conversion may be occurring appears to be independent of any particular device or device type.

Regarding claim 3, 14 which depend from, respectively, claim 2, 13, these references do not show or suggest the claimed wherein the spoken instructions are converted to the control commands that correspond to keypad activations at the subscriber device. The Examiner cites col. 5, line 35 and asserts that “The subscriber can use spoken or DTMF commands to have the electronic assistant work on various items ..” as showing the claimed conversion to control commands that correspond to keypad activations. Applicant respectfully disagrees and notes that at best this may represent converting keypad activations to corresponding commands.

Regarding claims 7, 18, 26, Applicant respectfully submits that the claimed receiving the instruction message at a remote agent and forwarding this to an assistant agent for conversion and returning a message with control commands to the remote agent is not shown or suggested by Miner et al or Ladd et al whether taken alone or together. The Examiner cites col. 11 of Miner et al and the notion that multiple computers may be used to implement the assistant of Miner et al and notes that it is obvious that the messages could have been transmitted ...

Applicant notes that the reference does not show or suggest the claimed limitations, regardless of what the reference could have done.

Thus in view of one or more of these additional reasons, the cited references do not show or suggest the features of any of dependent claims 2, 3, 7, 13, 14, 18, 24, or 26.

Therefore in view of the above noted reasons, Applicant respectfully requests that the Board reconsider and withdraw this rejection of claims 1-3, 6, 7, 12-14, 17, 18, 23, 24, and 26 under 35 U.S.C. 103(a) based on Miner et al (U.S. Patent No. 5,652,789) in view of Ladd et al. (U.S. Patent No. 6,269,336).

B. Claims 8-11, 19-22, and 27-30 ARE PATENTABLE, under the provisions of 35 U.S.C. §103(a), over Miner et al in view of Ladd et al as applied to claim 7 and further in view of Lucent Unveils Bell Labs Predictive Algorithms for Call Centers, 4 Feb 1998 (Lucent), since all of these claims are dependent on a claim that is believed to be allowable over this combination of references.

Claims 8-11 are dependent on claim 1, claims 19-22 are dependent on claim 12, and claims 27-30 are dependent on claim 23. Lucent does not show the features of claim 1, 12, or 23 that are absent from the combination of Miner et al and Ladd et al. and thus claims 1, 12 and 23 appear to be allowable over this combination of references. Thus at least by virtue of dependency on an allowable claim, dependent claims 8-11, 19-22, and 27-30 should also be allowable. Therefore, Applicant respectfully requests that the Examiner reconsider and withdraw this rejection of claims 8-11, 19-22, and 27-30 under 35 U.S.C. 103(a) based on Miner et al in view of Ladd et al and further in view of Lucent (Lucent Unveils Bell Labs Predictive Algorithms for Call Centers, 4 Feb 1998).

C. Claims 4, 5, 15, 16 and 25 ARE PATENTABLE, under the provisions of 35 U.S.C. §103(a), over Miner et al in view of Ladd et al as applied to claim 1 and further in view of Newton's Telecom Dictionary (Newton).

Claims 4 and 5 are dependent on claim 1, claims 15 and 16 are dependent on claim 12, and claim 25 is dependent on claim 23. Newton does not show the features of claim 1, 12, or 23 that are absent from the combination of Miner et al and Ladd et al and thus claims 1, 12, and 23 appear to be allowable over this combination of references. Thus at least by virtue of dependency on an allowable claim, dependent claims 4, 5, 16, and 25 should also be allowable. Therefore, Applicant respectfully requests that the Examiner reconsider and withdraw this rejection of claims 4, 5, 15, 16, and 25 under 35 U.S.C. 103(a) based on Miner et al in view of Ladd et al and further in view of Newton (Newton's Telecom Dictionary).

In summary, Applicant respectfully submits that Miner et al, Ladd et al, Lucent, and Newton alone or together in any combination, do not show or suggest all claimed features of any of claims 1-30 and thus do not support a 35 U.S.C. §103(a) based rejection of these claims. Based on the comments above and in view of the evidence presented, Applicant respectfully submits that independent claims 1, 12, and 23 as well as dependent claims 2, 3, 7, 13, 14, 18, 24, and 26 are each patentable under 35 U.S.C. § 103(a) over Miner et al (U.S. Patent No. 5,652,789) in view of Ladd et al. (U.S. Patent No.6,269,336) and further in view of Lucent and Newton.

Claims 4-6, 8-11, 15-17, 19-22, 25, and 27-30 at least by virtue of respective dependency on claim 1, 12 and 23 are likewise in condition for allowance. Accordingly, it is believed that the rejection of claims 1-30 under 35 U.S.C. §103(a) in reliance on any combination of these references has been traversed and that these claims are presently in condition for allowance.

IX. APPENDIX I - CLAIMS

The text of the claims on appeal is:

1. (Previously Presented) A method for a remote agent to assist with control of a subscriber device, the method comprising:

receiving from the subscriber device, an instruction message that corresponds to spoken instructions;

converting the spoken instructions to control commands;

providing a control message corresponding to the control commands; and

sending the control message from the remote agent to the subscriber device, thereby assisting with the control of the subscriber device.

2. (Previously Presented) The method of claim 1:

wherein the receiving the instruction message further includes receiving specific information sufficient to identify the subscriber device; and

wherein the converting the spoken instructions includes converting the spoken instructions to the control commands that correspond to a type of subscriber device.

3. (Previously Presented) The method of claim 2 wherein the spoken instructions are converted to the control commands that correspond to keypad activations at the subscriber device.

4. (Previously Presented) The method of claim 2 further comprising maintaining a database associated with the subscriber device, the database including one of a parameter status and a mirrored database associated with the subscriber device.

5. (Previously Presented) The method of claim 4:

wherein the spoken instructions corresponds to an action comprising one of;
dialing a number,
looking up a number in a phone book of associated with the subscriber device, the phone book incorporated into the mirrored database associated with the subscriber device,
modifying contents of a memory of the subscriber device, and
sending a text message;

wherein the control commands will effect the action when executed by the subscriber device.

6. (Original) The method of claim 1 further comprising sending a confirmation message as confirmation of the receiving the instruction message.

7. (Previously Presented) The method of claim 1 wherein the receiving the instruction message occurs at the remote agent and the method further comprises forwarding a first message corresponding to the instruction message to an assistant agent, the assistant agent performing the converting the spoken instructions to the control commands and returning to the remote agent a second message corresponding to the control commands.

8. (Original) The method of claim 7 further comprising selecting the assistant agent from a plurality of assistant agents prior to the forwarding the first message, the selecting based on availability of the assistant agent and a ranking of the assistant agent among the plurality of assistant agents.

9. (Original) The method of claim 8 wherein the availability of the assistant agent is determined by a log on procedure and the ranking of the assistant agent depends on one of an extent of availability of, a timeliness of services provided by, an accuracy of the services provided by, and economic considerations related to the assistant agent.

10. (Previously Presented) The method of claim 7 further comprising selecting more than one assistant agent from a plurality of assistant agents and forwarding the first message to the more than one assistant agent, each of the more than one assistant agent performing the converting the spoken instructions and the returning the respective second message to provide more than one respective second messages, the method further comprising comparing the more than one respective second messages to detect an error in the more than one respective second messages.

11. (Original) The method of claim 10 wherein the selecting more than one assistant agent further comprises selecting a trusted assistant agent and an unknown assistant agent and comparing the respective second messages to evaluate the unknown assistant agent.

12. (Previously Presented) A server arranged and constructed to assist with control of a subscriber device, the server comprising:

a receiver to receive from the subscriber device an instruction message that corresponds to spoken instructions;

a controller, coupled to the receiver to convert the spoken instructions to control commands and to provide a control message corresponding to the control commands; and

a transmitter, coupled to the controller, to send the control message to the subscriber device, thereby assisting with the control of the subscriber device.

13. (Previously Presented) The server of claim 12:

wherein the receiver further receives specific information sufficient to identify the subscriber device; and

wherein the controller converts the spoken instructions to the control commands that correspond to a type of subscriber device.

14. (Previously Presented) The server of claim 13 wherein the controller converts the spoken instructions to the control commands that correspond to keypad activations at the subscriber device.

15. (Previously Presented) The server of claim 13 further comprising a memory for storing a database associated with the subscriber device, the database including one of unit specific information, a parameter status, and a mirrored database associated with the subscriber device.

16. (Previously Presented) The server of claim 15:

wherein the controller converts the spoken instructions to the control commands that, when executed by the communications unit, will effect an action comprising one of;

dialing a number,

looking up a number in a phone book of the subscriber device, the phone book incorporated into the mirrored database associated with the subscriber device,

modifying contents of a memory of the subscriber device, the modifying also performed on the mirrored database associated with the subscriber device, and

sending a text message.

17. (Original) The server of claim 12 wherein the controller controls the transmitter to further send a confirmation message as confirmation that the receiver received the instruction message.

18. (Previously Presented) The server of claim 12 wherein the controller further controls the transmitter to forward a first message corresponding to the instruction message to an assistant server, the assistant server performing the converting the spoken instructions to the control commands and returning to the server a second message corresponding to the control commands.

19. (Original) The server of claim 18 wherein the controller further selects the assistant server from a plurality of assistant servers prior to the forwarding the first message, the assistant server selected based on availability of the assistant server and a ranking of the assistant server among the plurality of assistant servers.

20. (Original) The server of claim 19 wherein the availability of the assistant server is determined by the controller based on a log on record stored in the memory and wherein the controller determines the ranking of the assistant server based on data maintained in the memory corresponding to one of an extent of availability of, a timeliness of services provided by, an accuracy of the services provided by, and economic considerations related to the assistant server.

21. (Previously Presented) The server of claim 18 wherein the controller selects more than one assistant server from a plurality of assistant servers and controls the transmitter to forward the first message to the more than one assistant server, each of the more than one assistant servers performing the converting the spoken instructions and the returning the respective second message to provide more than one respective second messages, the controller further comparing the more than one respective second messages to detect an error in the more than one respective second messages.

22. (Original) The server of claim 21 wherein the selecting more than one assistant server further comprises selecting a trusted assistant server and an unknown assistant server and comparing the respective second messages to evaluate the unknown assistant server.

23. (Previously Presented) A software program for assisting with control of a subscriber device, the software program when loaded and executing on a processor of a server resulting in the server performing a method comprising:

receiving an instruction message from the subscriber device that corresponds to spoken instructions;

converting the spoken ~~voiced~~ instructions to control commands;

providing a control message corresponding to the control commands; and

sending the control message to the from the server to the subscriber device, thereby assisting with the control of the subscriber device.

24. (Previously Presented) The software program of claim 23:

wherein the receiving the instruction message further includes receiving specific information sufficient to identify the subscriber device; and

wherein the converting the spoken instructions includes converting the spoken instructions to the control commands that correspond to a type of subscriber device.

25. (Previously Presented) The software program of claim 24, the method further comprising maintaining a database associated with the subscriber device, the database including one of a parameter status and a mirrored database associated with the subscriber device.

26. (Previously Presented) The software program of claim 23 wherein the receiving the instruction message occurs at a distribution server and the method further comprises forwarding a first message corresponding to the instruction message to an assistant agent, the assistant agent

performing the converting the spoken instructions to the control commands and returning to the distribution server a second message corresponding to the control commands.

27. (Original) The software program of claim 26, the method further comprising selecting the assistant agent from a plurality of assistant agents prior to the forwarding the first message, the selecting based on availability of the assistant agent and a ranking of the assistant agent among the plurality of assistant agents.

28. (Original) The software program of claim 27 wherein the availability of the assistant agent is determined by a log on procedure and the ranking of the assistant agent depends on one of an extent of availability of, a timeliness of services provided by, an accuracy of the services provided by, and economic considerations related to the assistant agent.

29. (Previously Presented) The software program of claim 26, the method further comprising selecting more than one assistant agent from a plurality of assistant agents and forwarding the first message to the more than one assistant agent, each of the more than one assistant agent performing the converting the spoken instructions and the returning the respective second message to provide more than one respective second messages, the method further comprising comparing the more than one respective second messages to detect an error in the more than one respective second messages.

30. (Previously Presented) The software program of claim 29 wherein the selecting more than one assistant agent further comprises selecting a trusted assistant agent and an unknown assistant agent and comparing the respective second messages to evaluate the unknown assistant agent.

Respectfully submitted,

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